

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 9, 1974  
1:00 P.M.

Electric Auditorium  
301 West Avenue

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann,  
Mayor Butler, Mayor Pro Tem Love

Absent: None

The Invocation was delivered by PASTOR DAN ALEXANDER, First Cumberland Presbyterian Church.

NATIONAL HOSPITAL WEEK

Councilman Dryden read and then presented a proclamation to the following proclaiming May 12-18, 1974, as "National Hospital Week":

Mr. Jesse V. Hayes	- Holy Cross Hospital
Mr. Bob Lloyd	- St. David's Hospital
Col. Seal	- Bergstrom Air Force Base Hospital
Mr. Will Brown	- Brackenridge Hospital
Dr. Trickett	- Student Health Center
Mrs. Paula Womack	- Austin State Hospital
Mr. Lyle Johansen	- Texas Hospital Association

He noted that the theme for National Hospital Week was "Get To Know Us Before You Need Us." He urged all citizens to take cognizance of this event and participate in its observance. Mr. Will Brown thanked the Council and accepted the proclamation on behalf of the hospital organizations.

## ARTHRITIS MONTH

Mayor Butler read and then presented a proclamation to Mrs. James E. Wathen, Chairman of the Capitol Area Division of the South Central Texas Chapter of the Arthritis Foundation, and Mrs. Durwood Manford, Chairman of Victory March, proclaiming the month of May, 1974, as "Arthritis Month." He noted that in Austin and Travis County 25,000 were victims of arthritis, and the Foundation was seeking to improve its medical program by expanding scientific research, upgrading treatment facilities and developing new ways to prevent and alleviate arthritis disability. He urged all citizens to support the Arthritis Foundation through contributions and volunteer services in order to accelerate advances in the conquest of the nation's number one crippling disease.

## RECOGNITION

Councilman Friedman read and then presented a resolution signed by the Mayor and Council members to the following in recognition of the British criminal justice system, serving as a world leader in the field of social reform.

Miss Rosemary Deane - Assistant Principal Probation Officer,  
supervising an entire region of Inner London

Mr. Bob Edom - Senior Probation Officer in the Borough of  
Greenwich

Mr. George Pratt - Deputy Chief Probation Officer of London  
Probation and After Care Services

He welcomed them to Austin and hoped that Austin could gain some insight and education from them. It was noted that Mr. Pratt had not arrived in Austin as yet, but Mr. Charles Smith accepted for him. Miss Deane accepted on behalf of herself and Mr. Edom and noted that they were enjoying their stay in Austin. Councilman Friedman presented the three with documents making them honorary citizens of Austin.

## APPOINTMENTS

Mayor Butler announced that the Council had been in an Executive Session earlier that day and that several appointments were discussed and were now before the Council for action.

Community Development Commission

Mayor Pro Tem Love moved that the Council name the following as public officials to the Community Development Office:

Mrs. Julian Wyatt  
Mrs. Ora Lee Nobles  
Miss Herminia Lopez

Mr. Moran Scott  
Mr. Paul Tovar  
Mrs. Sam McDaniel

and named the following as representatives to the private sector:

Mr. Steen Brown	Father Fred Underwood
Mr. Lee Flores	Mrs. Hermalinda Rodriguez
Mr. Charles Wright	Mr. Howard Childs

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder,  
Friedman, Handcox, Lebermann  
Noes: None  
Not in Council Chamber when roll was called: Councilman Dryden

#### Electric Board

Councilman Friedman moved that the Council name the following to fill the vacancy on the Electric Board:

Mr. Don Parker

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Friedman, Handcox,  
Lebermann, Mayor Butler  
Noes: None  
Not in Council Chamber when roll was called: Councilman Dryden

#### Library Commission

Councilman Lebermann moved that the Council reappoint the following to represent the Library system at the State level:

Mrs. Helen Spear

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Binder, Friedman, Handcox, Lebermann, Mayor Butler,  
Mayor Pro Tem Love  
Noes: None  
Not in Council Chamber when roll was called: Councilman Dryden

#### APPROVAL OF MINUTES

Councilman Lebermann moved that the Council approve the Special Meeting Minutes of May 2, 1974 (10:30 a.m.) and the Regular Meeting Minutes of May 2, 1974 (1:00 p.m.). The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,  
Mayor Pro Tem Love, Councilman Binder  
Noes: None  
Not in Council Chamber when roll was called: Councilman Dryden

## HEARING ON PROPOSED VACATION

Mayor Butler opened the public hearing scheduled for 1:00 p.m. for the proposed vacation of the following street and passage of ordinance. (It was noted that this had been postponed from April 25, 1974.)

The south twenty-five (25.00) feet of EAST 54TH STREET, a street fifty (50.00) feet in width, which portion to be vacated extends from the east right-of-way line of the Llano Branch of the H. & T. C. Railroad in an easterly direction to the west line of Middle Fiskville Road. (Requested by Bettis Service, Inc., and Mrs. Willie C. Hudson, the owners of all property on both sides of East 54th Street from said railroad to Middle Fiskville Road.)

Mr. Charles Huey, owner of the property which paralleled the Bettis property on the west side of the Southern Pacific Railroad track, opposed the vacation of any part of this street. With regard to the Bettis warehouse, he stated that they had access for ingress and egress on Middle Fiskville Road and 54th Street and that his property, which was approximately the same in square footage, had access for ingress and egress only on 53rd Street because on Martin there was a whole block of houses which prevented them from getting in or out of this commercial property. He added that they had projected plans to build a large warehouse on this property, and in this connection they would be using large tractor-trailer units; and the only entrance and exit they would have would be on 53rd Street, which they considered unsatisfactory since this was a highly congested street and would certainly create a serious traffic problem on 53rd Street with their units going in and out. He noted that there was a stop light at the corner of 53rd and Airport Boulevard, which at peak periods backed up traffic beyond his property. He commented on the factor of fire protection in that there was a fire hydrant on the northwest corner of 54th Street and Middle Fiskville Road, which he felt would be the most logical location for the Fire Department to attach a hose to fight a fire. He stated that before they bought the property, they consulted with Southern Pacific system because this was not a through-street (no crossing over the Southern Pacific right of way). In their conversations, he indicated that they determined that they would have access to this particular piece of street for ingress and egress through the permission of the Southern Pacific system, which would not interfere with any private property. He felt that upon the vacation of this street, it would be just a matter of time before the whole street would be closed and that it would set a precedent for closing the other side. He interjected that he had not received notice of this when it was before the Planning Commission for consideration and had only received notices for the April 25 hearing and this one. Because this was not a fully developed commercial area, he felt that it would be a very bad precedent to grant the petitioners' request because of the new structures that would be built in the area, which would create a traffic problem which Austin did not need. In conclusion, he requested that this petition be denied to vacate any part of this street.

In response to Mayor Butler's question as to why Mr. Huey had not been notified of the Planning Commission hearing, Mr. Dick Lillie, Director of Planning, noted that approximately 1-1/2 years ago the Commission stopped sending notices for street vacation requests in that it would take 6 to 8 weeks to have two public hearings and by deleting this they saved about four weeks time. In response to Mayor Butler's question, he indicated that the staff did recommend the vacation of this street. In response to Councilman Dryden's question as to

what the advantage was from the staff's and City's standpoint in making this street 25 feet wide instead of 50 feet, Mr. Lillie stated that the north-south alley between 54th and 55th Streets was open, and the street was a dead-end, noting that the City did not need this dead-end street. He felt that this should be paved, and it was his understanding that it would be part of a paving program to come up very soon. He stated that the vacation was in order as long as access would be maintained to that alley.

Mr. Sam Cordell, owner of four lots in the area, opposed this vacation because of health and fire hazards and further felt that it would lower the price of the property.

Mr. John Cordell felt that the alley should be left open.

Mr. S. H. Cordell, owner of 150 feet of commercial property in this area, said that if this street were cut down, a person could not turn corners and go down the alley without getting on the other 25 feet of the street. He felt that this would bring down the value of the property. He wanted Bettis to have their parking space but not at the citizens' expenses.

There was further discussion from Mr. Huey, noting that this vacating would be done to give a particular property owner the advantage and give other people unequal rights. Councilmen Dryden felt that this street should be maintained at 50 feet. He did not think it was Council's job to inconvenience the people still living in this area. Councilman Dryden moved that the Council close the public hearing and deny the request to vacate the afore-mentioned street. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Butler, Councilmen  
Binder, Dryden, Friedman  
Noes: Mayor Pro Tem Love

#### HEARING ON PROPOSED ANNEXATION

Mayor Butler opened the public hearing scheduled for 1:00 p.m. on the proposed annexation of the following:

441.82 acres of land out of the William Cannon League and the Santiago Del Valle Grant: Resubdivision of Lot 18, Block B, CIRCLE S RIDGE, SECTION ONE, DAVID and PURYEAR ADDITION, R. O. DAVIS ADDITION, LA FUENTE SUBDIVISION, L. I. POWELL SUBDIVISION, SAN ANTONIO ROAD ADDITION, Resubdivision of Lots 5, 6, 7, 8, 9, 10 and 11, BLOCK E, and LOTS 1 and 7, BLOCK F, SAN ANTONIO ROAD ADDITION, SAN ANTONIO ROAD ADDITION, SECTION 3, ANNIE E. SHACKELFORD SUBDIVISION, AUSTIN INDEPENDENT SCHOOL DISTRICT tract of land and unplatted land, and portions of CIRCLE S ROAD, BLUFF SPRINGS ROAD, OLD CROW LANE, LITTLE TEXAS LANE and GOODNIGHT LANE.

1. Tract 1 - 72.67 acres; Tract 2 - 32.94 acres and Tract 3 - 34.05 acres. (Requested by Douglas Duwe, Agent for 150 Limited, owner.) Tract 4 - 5.53 acres. (Requested by Austin Independent School District.)
2. 296.63 acres. (Initiated by City of Austin.)

Mr. John McKay, representing Capitol City Steel Company, noted that his client was a heavy industrial type of operation which processed and fabricated steel and sold this steel to public contractors engaged in public works and elsewhere. He added that it owned and was operated from a 7-acre tract of land which was involved in this particular annexation proceeding in that it was immediately to the north of the Railroad which ran through Circle S Road to the Access Road to I. H. 35. He noted that the area was predominantly rural and had no quarrel with the property owners who had requested City annexation. He did not know the purpose of the annexation but stated that it would not be of any benefit to the Steel Company. He mentioned that the Company's employees had good relations with the neighbors. He did not feel that annexation was needed because they had their own sewage, water, and electrical systems and felt that the City taxes to which they would be subjected would have a considerable and additional burden on them in that the steel fabrication business was a business which operated on an extremely narrow margin of profit and could survive only on large volumes. He indicated that upon his suggestion, Mr. Malcolm Milburn, President of Capitol City Steel for over 20 years, canvassed views of the neighbors that morning to see if they had changed any of their positions. Mr. McKay filed a petition with ten signatures in opposition to the proposed annexation. He reviewed the fact that this matter had been considered by Council earlier this year, at which time the annexation request had been denied. He suggested that there had been no change in conditions and circumstances which would justify an alteration or revision of the Council's previous position. He noted that the effect of zoning and the results upon them were so important that his client had considered the necessity of moving its plant down to Buda should annexation be approved. In conclusion, he requested that the Council exclude from this annexation all territory adjacent their property and up to a point which was well to the north of the Pleasant Hill Baptist Church.

There was discussion among the Council and Mr. McKay with regard to the actual location of the Company's property. In response to Councilman Binder's question with regard to the water, Mr. Curtis Johnson, Director of Water and Wastewater Department, noted that this area was served by a City-owned district; but he did not know whether or not this firm had a meter off this district. In response to Councilman Binder's question, Mr. Dick Lillie stated that a fire station was scheduled in the Capital Improvements Program to be built to the north of this area, which would provide protection for the area.

Mr. Dan Driscoll, Director of Austin Independent School District, noted that the annexation had been requested because of fire and police protection and the possibility of the availability of sewage facilities in a short time. He stated that this had been their main reason for the request and was glad to hear of the possibility of a fire station being built in a short time.

Mr. Will Garwood, representing Duwe and 150 Limited, who had applied for the annexation of approximately 140 acres between South Congress and I. H. 35, did not have any quarrel with Mr. McKay but did wish that his client's property would be annexed. He felt that this request was quite different from that which Council had considered earlier this year.

Mr. Lillie noted that the staff was recommending annexation of the entire area in that it was bounded on three sides by City limits and that it had water and sewage facilities. He stated that this annexation would include an area in which the City was going to extend through the Capital Improvement Program a major street through the cooperation with adjoining property owners and added that a fire station would be constructed through the Capital Improvement Program in 1975 or 1976. He felt that because this was outside the corporate limits, development pressures would increase because of its proximity to the City and its ability to be served and that through annexation the City could provide police and fire protection and refuse collection as well as extend the zoning and building controls into the area to not only guide development but to upgrade it. In response to Mayor Butler's question with regard to the type of zoning he would anticipate for the general area, Mr. Lillie noted that there had been already a zoning request by 150 Limited for about 50 acres to be zoned "GR" General Retail District next to I. H. 35 and "B" Residence District and "O" Office District to the west. He anticipated that because the plant was there, it would come in as a non-conforming use but should be zoned "D" Industrial District at the request of the owners because of its existence. Mayor Butler pointed out that if this were brought in as "D" Industrial District and the plant wanted to add to or do any remodeling, they would be prohibited from that unless the area were rezoned.

After discussion, Mayor Pro Tem Love moved that the Council close the public hearing and direct the administration to institute annexation proceedings to annex the afore-mentioned areas. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Pro Tem Love, Councilmen Binder, Dryden, Handcox

Noes: Mayor Butler, Councilman Friedman

#### CONTRACT WITH CEDAR PARK WATER SUPPLY CORPORATION

It was noted that consideration of the contract with Cedar Park Water Supply Corporation was now before the Council, which had been postponed from May 2, 1974. Mr. Tom Curtis, representing the Corporation, thanked the Council for extension of additional time and stated that the Board of the Company had asked that water service be discontinued and that the \$10,000 Certificate of Deposit be returned to them. He noted that they thought that they had alternate sources. Councilman Lebermann moved that the Council accept the request of Cedar Park Water Supply Corporation. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Handcox, Lebermann

Noes: None

## CONSIDERATION OF PROPOSED "WILDING" DEVELOPMENT

It was noted that authorization of the creation of Travis County Municipal Utility District No. 2 to serve the "Wilding" development (formerly known as East Ranch) and the third-party beneficiary agreement concerning the creation of the Travis County Municipal Utility District No. 2 were before the Council for consideration. Mr. Dan Davidson, City Manager, stated that the last time the "Wilding" proposal had appeared on the agenda for public hearing (April 11, 1974), it had been requested that the staff prepare an additional report that would answer some of the questions posed by Council and others. He indicated that a team of the City's staff had compiled a report which had been submitted to Council earlier and would be presented in brief form at that time.

Mr. Dick Lillie noted that the purpose of this report was to provide Council with an environmental analysis of the proposed Wilding development along with background information concerning Austin's past and future growth as it related to the northwest area of the City and to the Wilding subdivision. The first portion of the report included some visual illustrations by use of slides with regard to growth impact. The first slides indicated historic growth in Austin from 1927 to 1970 with most development occurring north of Town Lake and noted that the current rate of growth was about 3.4% per year. He stated that one of the conclusions of the report showed that between 1970 and 2000 it was estimated that the Austin urbanized area would experience population growth of approximately 315,000 persons and that of this estimated growth, 184,000 would occur north of Koenig Lane and 73,600 would occur west of Balcones Drive. He added that these projections were expected to change very slightly whether the district to finance portions of the Wilding development was approved or disapproved. One slide illustrated the private development activity in the northwest area with various stages of completion. He noted that most development had been based upon areas with vehicular access, reasonably level topography, and the availability of utilities. He indicated that other conclusions of the report stated the following:

1. Plans for water and wastewater facilities within the subdivision were designed in accord with City specifications and, therefore, could be easily incorporated into the municipal system when the area would be annexed.
2. Lack of water and wastewater facilities would serve as a major deterrent to development in much of the Bull Creek drainage basin, including the area along FM 2222. Provision of one utility without the other would not enable large scale development to occur. The City would not have the capability to provide an adequate quantity of water to the area until after a new reservoir was constructed at a high point along FM 2222 and until a major water line was extended from Balcones Drive to the reservoir. This facility would not be needed to serve Wilding. City plans for the next five years would not make provisions for either this line or the reservoir.



3. If the Wilding district were approved, limited commercial areas existing along FM 2222 would likely expand to intercept Wilding residents at main points of entry into the subdivision. If utilities were made available, a strip pattern of commercial development would likely develop unless the area were annexed and appropriate controls enforced by the City.
4. Analysis of the plan recommended by Ecosystems Management and the plan proposed by the developer revealed some differences. However, the staff's overall assessment of the Wilding land use plan was that generally the planners were sensitively and skillfully utilizing the recommended plan to produce a project that would be both environmentally sound and economically feasible.
5. The proposed street system of internal circulation within Wilding was adequate.
6. FM 620 would need to be upgraded to four lanes with or without Wilding.
7. FM 2222 could be made adequate to serve the northwest area including Wilding by signalizing and adding turning lanes at major intersections.
8. City Park Road would have to be expanded to four-lane capacity if the Wilding development were to proceed as planned.
9. Approval of the district would encourage additional requests for such districts.
10. Disapproval of the district would serve as a deterrent to other major developments that needed to utilize this financing mechanism and would provide continuing incentive for the subdivision of land more adjacent to Austin along U.S. 183, Loop 360 and the City's edge.
11. Surface water runoff would be the most significant environmental concern with respect to Wilding and the area between Wilding and the existing City limits.
12. The Wilding environmental inventory and impact statement, prepared by Ecosystems Management, was unprecedented for a private development in Travis County. It was comprehensive in scope and addressed relevant environmental factors. The report provided the Wilding developers with environmental data on which to base developmental decisions which would preserve and enhance the environmental quality of this area. However, the staff did identify certain areas that needed further development and analysis and suggested that a review of environmental considerations would need to be made on a continuing basis.

City Manager Davidson noted at this point that the report had been compiled by Mr. Dick Lillie, Director of the Planning Department; Mr. Homer Reed, Deputy City Manager; Mr. Bill Snyder, Capital Improvements Administrator; Mr. Stuart Henry, Director of Environmental Resource Management; Mr. Curtis Johnson, Director of the Water and Wastewater Department; and Mr. Joe Ternus, Director of Urban Transportation. In response to Mayor Butler's question as to when the proposed area would be expected to be annexed with or without the Wilding concept, Mr. Lillie anticipated this to be done in 10 years. Councilman Friedman pointed out that it had been stated in the report that without the services provided Wilding the area would continue to grow contiguous to the City limits and with Wilding there would be development patterns of strip development. Mr. Lillie added that if there were no extension of utilities with the approval of that district, it would probably jump an area and be developed out in the County; however, with utilities it would probably encourage some development in between because utilities would be there. After further discussion, the Council complimented the staff on the fine work that had been done.

Mr. Les Gage, Chairman of the Citizens Board of Natural Resources and Environmental Quality, appeared in reference to a letter of transmittal and report submitted to Council on the environmental impact of the Wilding development. He stated that the Board had met on May 7, 1974, and discussed with Wilding representatives and citizens the proposed development and adopted a motion unanimously that the Environmental Impact Review Committee's report as submitted was adopted by the Board as a Board report and forwarded to the Council with the suggestion that the Council adopt the Board's recommendation. He pointed out several particular areas of concern that they felt were important in their report. He noted that the Board members felt that if these recommendations were adopted by Council and implemented, many of the problems presented by Wilding could be solved. Because the Board felt pressed for time and had been faced with the inability to address some of the major issues, he indicated that they voted to include the following points or questions in this transmittal letter:

1. What would be the direct costs to the citizens of Austin if Wilding were approved?
2. Wilding should submit a development plan for disposition of parkland and open space when and if the City of Austin were to annex this development.
3. City should be flexible in implying City's standards.
4. Re-emphasize the impact Wilding might have on water quality of Lake Austin.
5. Re-evaluate the consequences of the City's extending a sewer line to Wilding.
6. Evaluate the impact of Wilding's energy demands on Austin's electrical energy capabilities.
7. Determine if Wilding had in fact already violated the creek ordinance.

He thanked the Council for the opportunity to comment on this most important environmental issue for Austin. He commented that they had a three-member Committee of citizens who gave their time voluntarily. He introduced Messrs. Don Walden, Chairman of the Committee, Bert Hooper, and Larry Springer.

In response to Councilman Binder's question, Mr. Gage noted that perhaps the Wilding developers had inadvertently altered some creeks without obtaining a permit from the City in compliance with the creek ordinance. In response to Mayor Butler's question with regard to the electrical impact, Mr. Gage indicated that the Board's feeling was if there were 11,500 new all-electric homes added to the system in this most critical period of energy consumption and demand, that it might be of interest to the Council and that was why they had pointed it out. In response to Mayor Pro Tem Love's question as to whether or not he was requesting additional time, Mr. Gage stated that more time might give the Council an opportunity to do some land planning that had not been done. He added that perhaps Austin should be cautious and that this was a project of large magnitude.

Ms. Judy Malkin directed her remarks to the proposed municipal utility district. She noted that last August this Council had formulated and voted in a new policy concerning utility districts and out-of-City water and sewer services and came up with rather strict requirements that any developer must meet before, in fact, a municipal utility district would even be considered:

1. Land area under consideration for the Municipal Utility District would be limited to the actual development for residential use.

What the City was talking about now was some 1,200 acres for the Municipal Utility District out of the total 3,511 for Wilding; and should Southern Living and Leisure wish to annex any other part of that 3,511 acres into the Municipal Utility District, then that could not be done without further City Council approval.

2. Any development in this area must hook up with an existing City sewer line to insure a high quality development. In formulating this policy the City had insured that when it were to approve a Municipal Utility District such as it had previously that it would retain a certain amount of controls over the area within the district; and these controls would be very important.
3. The City would retain control over the Municipal Utility District in three very important areas:
  - a. Water and sewage
  - b. Roads and streets
  - c. Subdivision plats

She noted that the same controls that the City exercised over subdivisions within the City limits and the same controls that the Council would exercise over Wilding in the Extra-territorial Jurisdiction would also apply to that in between Wilding and the City limits.

She stated that she was speaking in favor of the passage of the approval of the municipal utility district. In conclusion, she hoped that this entire issue had pointed to the City and County as well that new policies and recommendations really needed to be formulated to insure quality growth for a city. She felt that approval of the municipal utility district would go a long way toward formulating new policies because it would allow Austin to retain control over the area that it needed.

At this point, the Council complimented Mr. Gage and the Committee for the very sincere and very genuine work it had done. In response to Councilman Handcox's questions, Mr. Bill Snyder stated that a portion of City Park Road required to be improved at this point in time to serve Wilding would be the County's responsibility; the Farm Market 2222 would be a State highway project and their responsibility to improve. In connection with Councilman Handcox's questions, City Manager Davidson stated that the reservoir and water main would not be required if Wilding were to be developed and might not be required for other development for a period of seven to 10 years, depending on the rate of growth. Mr. Curtis Johnson remarked that these improvements set out in the staff's report were such of a general sort of nature at this time without any great deal of study, and there were not any detailed estimates at all. However, he estimated that the range of dollars with regard to the reservoir and the line that would be feeding it would be approximately \$1-1/2 million. He reiterated that this line was not connected to the Wilding development and would serve the intervening area generally speaking, the lower portions of the Bull Creek Valley area, as well as some areas along 2222. In response to Councilman Handcox's question as to whether or not this would develop more rapidly if the lines were already in existence beyond that point, Mr. Johnson felt that if utilities were available, it might make development more rapid in this area. In response to Councilman Handcox's question in connection with flooding and building of holding funds, City Manager Davidson stated that this would be the responsibility of the developer and not the City. In response to Councilman Binder's request with regard to the differences in going from a fresh water district to municipal utility district, Mr. Don Butler, City Attorney, stated that the fresh water supply district was limited to providing fresh water and sewer services and could issue bonds for both of those purposes and could issue notes for the purpose of fresh water supply. He indicated that the municipal utility district would have a much broader scope of power, some of which the City would attempt to restrict. He noted that this would include:

1. Control, distribute, store water for all purposes.
2. City would restrict their sale of bonds for that purpose.
3. Right to issue notes payable up to 20 years for that purpose.
4. Finance sewer installation, drainage installation.

5. Right to construct parks and recreation facilities.
6. By City's consent would restrict the parks and recreation bond issuance but not the notes.

After further discussion, Mayor Pro Tem Love moved that the Council authorize the creation of the Travis County Municipal Utility District No. 2 to serve the "Wilding" development. The motion, seconded by Councilman Dryden, failed to carry by the following vote:

Ayes: Mayor Pro Tem Love, Councilman Dryden, Mayor Butler  
Noes: Councilmen Binder, Friedman, Handcox, Lebermann

The Mayor announced that the motion had failed to carry.

#### RELEASE OF EASEMENTS

Councilman Lebermann moved that the Council adopt a resolution authorizing release of the following easement:

A portion of the electric and telephone easement five (5.00) feet in width in the rear of Lots 3 through 11, BLOCK A, VALLEY SIDE HEIGHTS, and in an unplatted portion of the tract of land out of the J. C. Harrelson and Thomas H. Mays Surveys. (Requested by Mrs. Lois Peterson, owner.)

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Binder, Friedman, Handcox, Lebermann, Mayor Butler  
Noes: None  
Not in Council Chamber when roll was called: Councilman Dryden, Mayor Pro Tem Love

Councilman Lebermann moved that the Council adopt a resolution authorizing release of the following easement:

A public utilities easement five (5.00) feet in width in the rear of Lots 2, 3, 4, and 5, DIXIE TERRACE. (Requested by Mr. Robert L. Davis, Attorney at law as agent for Underwood's Barbecue Cafeterias, owner.)

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Binder, Friedman, Handcox, Lebermann, Mayor Butler  
Noes: None  
Not in Council Chamber when roll was called: Councilman Dryden, Mayor Pro Tem Love

Councilman Lebermann moved that the Council adopt a resolution authorizing release of the following easement:

Sanitary sewer easement ten (10.00) feet in width which extends from a point approximately 650 feet west of the intersection of Metcalfe Road and Catalina Drive in a southwesterly, westerly and southerly direction 3,231.20 feet across PARKER LANE, SAN MARINO DRIVE and WOODWARD STREET to a point in the north line of the Internal Revenue Service of the United States tract of land, said point being 630.18 feet east of Interstate Highway No. 35. (Requested by Mr. R. D. Blackwell, Design Engineer, Water and Wastewater Department.)

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Binder, Friedman, Handcox, Lebermann, Mayor Butler  
Noes: None  
Not in Council Chamber when roll was called: Councilman Dryden,  
Mayor Pro Tem Love

#### LICENSE AGREEMENT

Councilman Friedman moved that the Council adopt a resolution authorizing a license agreement between the City of Austin and MR. LARRY C. FOSTER permitting encroachment into an electric and telephone easement seven and one-half (7.50) feet in width of a portion of a 10' by 10' concrete slab supporting a small storage building at the rear of LOT 25, BLOCK J, CHERRY CREEK, PHASE III, SECTION FOUR. (Requested by Mr. Larry C. Foster, owner.) The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor Butler, Councilman Binder  
Noes: None  
Not in Council Chamber when roll was called: Mayor Pro Tem Love

#### APPROVAL OF CHANGE ORDER

Councilman Lebermann moved that the Council adopt a resolution approving a change order in the amount of \$19,000.00 in the Model Cities Code Enforcement project for the addition of steps and retaining walls to protect buildings and fences on Willow, Waller, and Haskell Streets. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler, Councilmen Binder, Dryden  
Noes: None  
Not in Council Chamber when roll was called: Mayor Pro Tem Love

## HEARING SET ON ANNEXATION

Councilman Friedman moved that the Council adopt a resolution setting a public hearing at 1:00 p.m. on May 30, 1974, to consider annexing the following:

28.60 acres of land out of the SANTIAGO DEL VALLE GRANT  
(Indian Hills, Section 5.) Requested by owner, Carl Morris.

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Butler, Councilmen  
Binder, Dryden, Friedman

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Love

## CONTRACTS AWARDED

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

OLIN BASS  
East Alton, Illinois

- Condenser Tube Material for  
Decker Unit #2 - \$562,698.00  
(subject to escalation)

Mr. R. L. Hancock, Director of Electric Department, noted that the bidding on this item was unusual and added that the requested item was condenser tubes that were principally copper-bearing alloys. He reviewed the bidding indicating that the bid on April 19 was contingent on copper prices at the date of award not at the date of bid opening to allow the manufacturer escalation between bid date and between award date when he fixed his firm price. He stated that this escalation was received that morning and had been computed. He announced that the escalation on this item was \$15,207.00 and was the same escalation the other supplier would have been subject to. Consequently, he noted that the total price on this item would be \$577,905 with a firm price from now on out. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder,  
Dryden, Friedman, Handcox

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Love

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

H & H CONCRETE CONSTRUCTION COMPANY  
203 Comal Street  
Austin, Texas

- For Georgian Drive, Phase II  
42" Water Transmission Main -  
\$483,616.00

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder,  
Dryden, Friedman, Handcox  
Noes: None  
Not in Council Chamber when roll was called: Mayor Pro Tem Love

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

BRISTOL DIVISION OF ACCO  
7701 Parnell Street  
Houston, Texas

- Telemeter Transmitter, Strip-Chart  
Receivers, Tone Transmitters and  
Tone Receivers, Water Distribution  
Division  
Item Nos. 1.0, 2.0, 3.0 and 4.0 -  
\$19,072.80

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder,  
Dryden, Friedman, Handcox  
Noes: None  
Not in Council Chamber when roll was called: Mayor Pro Tem Love

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

THOMAS BROTHERS CONSTRUCTION  
COMPANY

- Southeast Fire Station, Fire  
Department and Fueling Facility,  
Vehicle and Equipment Services  
\$195,345 for fire station  
\$ 5,481 for fueling facility  
Total - \$200,826.00

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder,  
Dryden, Friedman, Handcox  
Noes: None  
Not in Council Chamber when roll was called: Mayor Pro Tem Love

#### BID REJECTED

Councilman Friedman moved that the Council reject the bid for Auditorium alterations and modifications for Auditorium and Convention Center. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder,  
Dryden, Friedman, Handcox  
Noes: None  
Not in Council Chamber when roll was called: Mayor Pro Tem Love



## POSTPONEMENT OF BID

Councilman Friedman moved that the Council postpone the following bid item until May 16, 1974.

Consider bids to be  
opened May 7, 1974

- For Phase II Development  
Brackenridge Hospital

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder,  
Dryden, Friedman, Handcox

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Love

## ENGINEERING SERVICES FOR AVIATION PROJECT

It was noted that selection of professional engineering services for the following project for the Aviation Department was now before the Council:

Airport Perimeter Roadway Improvements from terminal area  
along westerly boundary to north area, Ragsdale Aviation.  
(Capital Improvements Program Project No. 8112 1.)

It was Councilman Dryden's understanding that building this road would cost an estimated \$125,000 with the engineering services estimated at \$11,500. He realized the necessity of constructual engineers for various projects, but he felt that the \$11,500 could be saved by leaving this part of the work to those who build the roads. In response to this, City Manager Davidson did not know the density of the caliche in that area or whether or not it would withstand the kind of paving that would be required by the FAA. He added that since the City was using the FAA's funds to build the road, they needed to meet the FAA's specifications. He did not question the fact that the City probably had some people on the staff that, if they were not burdened with so many other projects, might be able to handle this in accord with what the FAA wanted; but he added that the City's Capital Improvement Program was so complex and the staff was heavily loaded just trying to keep up with their responsibilities, that he did not believe the City could finish the project in time if they did not utilize some outside engineering help. He noted that it would be the professional consultant's responsibility to worry about gaining FAA clearance to make any trips to the FAA office that might be required, to bring people in for specific inspection work, and to make sure that the City's specifications met FAA's standards and the City's standards. He stated that this was why he recommended a professional consultant be employed to handle this project.

In response to Councilman Dryden's question as to how much of the \$125,000 would be federal and how much would be City, Mr. Bill Snyder noted that this was money that had been received from the FAA from the recent sale of land on the east end of the runway and which was reserved for certain categories of improvements. He added that the perimeter road happened to fall into one of these categories; therefore, the City would be spending the money it had received from FAA to improve the road. City Manager Davidson added that the funds could

be used for some other project at the Airport but that the funds had to be used for some project at the Airport similar to what the road would represent. There was discussion between Councilman Binder and City Manager Davidson with regard to the possibility of shrubbery around the Airport fence, and Mr. Davidson indicated that he would talk with Mr. Roy E. Bayless, Director of Aviation, and present Councilman Binder with a schedule for landscaping.

There was discussion on the possibility of utilizing the services of Forrest and Cotton, Inc. Mr. Al Eldridge, Director of Construction Engineering, noted that they had done runway overlay work successfully about a year ago and felt that they would be very familiar with the requirements at the Airport and recommended them. There was discussion between Councilman Binder and Mr. Eldridge with regard to a relatively small error that had been made when estimates had been given by Forrest and Cotton on the afore-mentioned project. Mr. Eldridge did not feel that the small error on the part of one person should now jeopardize the position of the entire firm. There was further discussion by Councilman Dryden, Mayor Butler and City Manager Davidson with regard to the usage of the perimeter road. Councilman Dryden stated that this was not a public road and was used primarily for the convenience of gasoline trucks. City Manager Davidson noted that the primary consideration was to meet new security and fire requirements needing prompt and quick access to all sections of the Airport.

Mayor Pro Tem Love moved that the Council select Forrest and Cotton, Inc., for the professional engineering services for the afore-mentioned aviation project. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Friedman, Handcox, Lebermann  
Noes: Mayor Butler, Councilmen Binder, Dryden

#### SOILS INVESTIGATION AND ENGINEERING TESTING SERVICES

Councilman Friedman moved that the Council select Shilstone Engineering Testing Laboratory, Inc., for soils investigation and engineering testing services in connection with the following Capital Improvements Projects:

1. Police Training Facility Phase II. (Capital Improvements Program Project No. 8703 1.)
2. Police Parking Facility Phase III. (Capital Improvements Program Project No. 8704 0.)

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,  
Handcox, Lebermann, Mayor Butler  
Noes: None

## ARCHITECTURAL SERVICES

Councilman Dryden moved that the Council select Wilson-Stoeltje-Martin, Architects, for the architectural services in connection with the following 1974 Capital Improvements Program Project for the Police Department:

1. Police Training Facility Phase II. (Capital Improvements Program Project No. 8703 1.)
2. Police Parking Facility Phase III. (Capital Improvements Program Project No. 8704 0.)

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann  
Noes: Mayor Butler, Mayor Pro Tem Love

## CASH SETTLEMENTS

Councilman Handcox moved that the Council adopt a resolution authorizing cash settlement as follows:

CAPITOL PAPER STOCK TRACT - CAPITOL PAPER STOCK COMPANY -  
For 60%/40% cash settlement for water and wastewater  
service in Capitol Paper Stock Tract. Total cost -  
\$1,835.00; City's share at 60% - \$1,101.00

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Butler, Mayor  
Pro Tem Love  
Noes: Councilmen Friedman, Binder

Councilman Handcox moved that the Council adopt a resolution authorizing cash settlement as follows:

ORLEANS HARBOUR, INC. - For 60%/40% cash settlement for  
water and wastewater service in Orleans Harbour. Total  
cost - \$760.00; City's share at 60% - \$456.00.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Butler, Mayor  
Pro Tem Love  
Noes: Councilmen Friedman, Binder

Councilman Handcox moved that the Council adopt a resolution authorizing cash settlement as follows:

LUMBERMEN'S INVESTMENT CORPORATION, Wayne McDonald,  
President - 60%/40% cash settlement for water and waste-  
water service in Colony Park, Section 1, Phase 2,  
Resubdivision of Lot 7, Block H. Total cost - \$800.00;  
City's share at 60% - \$480.00.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Butler, Mayor  
Pro Tem Love  
Noes: Councilmen Friedman, Binder

#### APPLICATION FOR PARTIAL FUNDING OF LIBRARY

Councilman Handcox moved that the Council adopt a resolution authorizing the Austin Public Library to submit an application for \$200,000 Federal funding under Title II of Library Services and Construction Act to Texas State Library for partial funding of North Regional Library. Total cost will be \$521,800. City's bond commitment will be \$321,800. Contract period will be from November 4, 1974, to May 7, 1976. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,  
Mayor Pro Tem Love, Councilmen Binder, Dryden  
Noes: None

#### AUTHORIZATION TO ACCEPT SUPPLEMENTAL FUNDS

Councilman Handcox moved that the Council adopt a resolution authorizing the City Manager to accept \$15,644 of previously impounded supplemental funds under the Nursing Student Assistance Program of the Department of Health, Education and Welfare. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,  
Mayor Pro Tem Love, Councilmen Binder, Dryden  
Noes: None

#### SCHEDULING OF BIDS ON REVENUE BONDS

Councilman Friedman moved that the Council set Thursday, June 20, 1974, at 10:30 a.m., for the taking of bids on Electric Light & Power, Waterworks and Sewer System Revenue Bonds as follows:

\$13,500,000	General Electric Improvements
5,000,000	General Sewer Improvements
<u>3,500,000</u>	General Water Improvements
\$22,000,000	Total

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilmen Binder, Dryden, Friedman  
Noes: None

#### APPOINTMENT OF AUDITING FIRM

As requested by City Manager Davidson, the consideration of the appointment of an auditing firm for the City of Austin's fiscal year 1973-74 was postponed.

#### SUPPLEMENTAL AGREEMENT COVERING DRIVEWAY RAMP

Councilman Lebermann moved that the Council adopt a resolution authorizing the City Manager to execute a Supplemental Agreement No. 1 to an existing lease to the United States of America, Federal Aviation Administration, covering a driveway ramp near the proposed middle marker on Red River Street. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilmen Binder, Dryden, Friedman, Handcox  
Noes: None

#### ACQUISITION OF LIBRARY SITE

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing the City Manager to execute a Purchase Money Contract with Redman Development Corporation for acquisition of the North Regional Branch Library site. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder,  
Dryden, Friedman, Handcox, Lebermann  
Noes: None

#### ACQUISITION OF LAND FOR SPRINGDALE ROAD

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing the acquisition of 1,641 square feet of land out of the J. C. Tannehill League (Laura Mueller Estate) for paving Springdale Road. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder,  
Dryden, Friedman, Handcox, Lebermann  
Noes: None

## ACQUISITION OF LAND FOR PARK

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing the acquisition of 7409 Providence (James A Holden et al) for a park in the St. Johns Neighborhood. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,  
Friedman, Handcox, Lebermann  
Noes: None

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing the acquisition of 7401 Providence (Esther Rowena Jackson) for a park in the St. Johns Neighborhood. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,  
Friedman, Handcox, Lebermann  
Noes: None

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing the acquisition of 7408-7410 Meador (James Lee et ux) for a park in the St. Johns Neighborhood. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,  
Friedman, Handcox, Lebermann  
Noes: None

## CONDEMNATION

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing condemnation of 886 square feet of land out of Lot 6, Edward Seiders Subdivision. (1200 West 38th Street). The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,  
Friedman, Handcox, Lebermann  
Noes: None

## EXTENSION OF AGREEMENT

Councilman Lebermann moved that the Council adopt a resolution authorizing the Mayor to sign a six-month extension of the Annual Arrangements Agreement with the Department of Housing and Urban Development. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,  
Handcox, Lebermann, Mayor Butler  
Noes: None

## APPOINTMENT

Mayor Pro Tem Love moved that the Council adopt a resolution appointing Mrs. Grace Monroe as City Clerk for the City of Austin. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann,  
Mayor Butler, Mayor Pro Tem Love  
Noes: None

## SALARIES SET

Mayor Pro Tem Love moved that the Council set salaries of various Council-appointed officials of the City of Austin as follows:

1. Mrs. Grace Monroe, City Clerk - salary made retroactive to April 28, 1974, and brought in line with the corresponding scale for the position (\$12,695).
2. Mr. Dan Davidson, City Manager - salary raised retroactive to April 28, 1974, setting the salary at \$45,000 annually.
3. Hon John J. Brady, Presiding Judge of Municipal Court - salary raised retroactive to April 28, 1974, setting the salary at \$19,000 annually.
4. Hon. Rob Robertson and Hon. Sarah Phillips, Associate Judges - salaries raised 5% either retroactive to April 28, 1974, or upon completion of 6 months tenure on the bench.

## REQUEST FOR USE OF FIRE STATION

Mr. Eugene Shuler, President of Black Unlimited, appeared before Council regarding use of the Lydia Street Fire Station as a base of operation for Black Unlimited. Mr. Shuler reviewed the history of Black Unlimited, noting that it originated in March, 1971, and brought into focus the need to investigate specific instances of drug abuse, misuse, education, prevention and rehabilitation in the Black community. In response to Mayor Butler's question, Mr. Shuler noted there were presently three members in the non-profit organization. City Manager stated that the previous occupant of a particular fire station had moved and left it vacant, and the Council leased the second story of the Guadalupe Street Fire Station to the Austin Ballet Society. He noted that the Fire Department needed additional storage and suggested that they consider the Lydia Street Fire Station for that storage. He added that the Fire Department had made plans to utilize the building for this needed storage. Because the staff had not been aware of Mr. Shuler's request, they recommended that the Council allow the City to retain the Fire Station for the Fire Department's use.

Councilman Dryden realized that the City could not furnish any and every organization a building but hoped that City Manager Davidson and City Attorney Butler could work out something for Mr. Shuler and his organization. After discussion City Manager Davidson stated that it was not essential that the Fire Department use this Fire Station. In response to Mayor Butler's

question as to whether or not Mr. Shuler would pay his own utilities, Mr. Shuler had hoped that an arrangement could be worked out in that they were a non-profit organization. After further discussion, Councilman Dryden moved that the Council direct the staff to meet with Mr. Shuler and work out a draft agreement to present to Council for consideration. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,  
Mayor Pro Tem Love, Councilmen Binder, Dryden  
Noes: None

#### REQUEST FOR TEMPORARY USE OF CITY-OWNED PROPERTY

Mr. Charles Kreutzs, representing Austin Savings, appeared before Council to discuss a license agreement for temporary use of City-owned property. He distributed copies of a memorandum that had been written by Mr. Joseph Morahan, Public Property Manager, in connection with this request. In his memo Mr. Morahan noted that Austin Savings had planned to construct a branch office on their property, which was adjacent to City-owned property; and during construction of the new building, they wanted to locate a trailer on the right-of-way tract in which to carry on the business of the branch office. Mr. Morahan further noted that Austin Savings planned to first obtain Council approval of their request, subject to the building code requirements, and then either obtain an exception from the Board of Adjustment or use a different type of portable structure that would comply. In his memo Mr. Morahan recommended that should the Council give favorable consideration to the request, a license agreement should be prepared.

Mr. Kreutzs did not look at it as a trailer but a temporary facility. He noted that it would be to their benefit to have this as attractive as possible. He requested the license agreement for no longer than a year in that construction would begin in the next two to three months. In response to Councilman Friedman's comment with regard to a termination clause, Mr. Morahan suggested that perhaps a 90-day termination clause could be included in the agreement. In response to Councilman Binder's question as to why the basis for monthly consideration would be 1% per month of 60% of the estimated market value and not 1% of 100%, Mr. Morahan stated that 1% of 100% applied where there was a building involved and improvements that depreciated.

After discussion, Councilman Lebermann moved that the Council give the request a positive reading subject to the Board of Adjustment's decision. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilman Handcox, Lebermann, Mayor Butler, Mayor  
Pro Tem Love, Councilmen Dryden, Friedman  
Noes: Councilman Binder



## IMPROVEMENTS TO STREETS

Mayor Butler introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY. (Buell Avenue and other streets, CIP Project No. 6065 1)

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox

Noes: None

Not in Council Chamber when roll was called: Mayor Butler, Councilman Binder

The Mayor announced that the ordinance had been finally passed.

## REFUND CONTRACTS

Mayor Butler brought up the following ordinance for its first reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH AUSTEX DEVELOPMENT COMPANY, LTD.; JESS WEBB AND BILL DAVIS; AND BURBA-CLARKE DEVELOPMENTS. (Royal Oaks Estates, Section III-A; Austin Highlands, Section 3; Angus Valley Annex, Section 3)

The ordinance was read the first time, and Councilman Dryden moved the ordinance be passed to its second reading. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Handcox, Lebermann

Noes: Councilman Friedman

Not in Council Chamber when roll was called: Mayor Butler, Councilman Binder

## ZONING ORDINANCES

The Mayor introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

(1) LOTS 1A, 2A AND 3A, GRAY AND BECKER INDUSTRIAL ANNEX, LOCALLY KNOWN AS 9902-10002 GRAY BOULEVARD AND 1905-1915 RUTLAND DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; AND,

(2) LOT 2, RUTLAND DRIVE SUBDIVISION, LOCALLY KNOWN AS 1943-1957 RUTLAND DRIVE AND 2001-2003 RUTLAND DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Gray & Becker, Inc., C14-73-253; W. G. Christianson, Inc., C14-73-253)

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox, Lebermann

Noes: None

Not in Council Chamber when roll was called: Councilman Binder, Mayor Butler

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

(1) TRACT 1: LOT A, R. B. ADDITION, SAVE AND EXCEPT, THE EASTERNMOST 200 FEET, FROM "A" RESIDENCE DISTRICT AND "GR" GENERAL RETAIL DISTRICT TO "B" RESIDENCE DISTRICT; AND,

TRACT 2: THE EASTERNMOST 200 FEET OF LOT A, R. B. ADDITION, FROM "A" RESIDENCE DISTRICT AND "GR" GENERAL RETAIL DISTRICT TO "LR" LOCAL RETAIL DISTRICT; LOCALLY KNOWN AS 2804-2806 SOUTH FIRST STREET AND THE REAR OF 2802 SOUTH FIRST STREET; AND,

(2) LOTS 12 THRU 25 AND LOTS 61 THRU 70, BLOCK 7, PLEASANT HILL ADDITION, LOCALLY KNOWN AS 5401-5427 SOUTH CONGRESS AVENUE; 1101-1111 MOCKINGBIRD LANE; AND 5400-5424 WASSON ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Ralph Ballard, C14-73-197; Noeline S. Harris, Trustee, C14-73-195)

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox,  
Lebermann  
Noes: None  
Not in Council Chamber when roll was called: Councilman Binder,  
Mayor Butler

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOTS 20, 21, 22, 37, 38 AND 39, SAVE AND EXCEPT THE WEST FIFTEEN FEET OF THE NORTH EIGHTY-EIGHT FEET OF LOT 37, BLOCK D, NORTHGATE ADDITION, LOCALLY KNOWN AS 825-907 ANDERSON LANE AND 820-906 STOBAUGH STREET, FROM "A" RESIDENCE DISTRICT AND "C" COMMERCIAL DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (C. T. Uselton, C14-69-139)

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox,  
Lebermann  
Noes: None  
Not in Council Chamber when roll was called: Councilman Binder,  
Mayor Butler

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOT 6, BLOCK "B," NORTH PLAINS ADDITION, LOCALLY KNOWN AS 7905-7907 BROCKMAN STREET AND 2209 NORTH PLAINS, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (John D. Jones, C14-74-002)

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox, Lebermann

Noes: None

Not in Council Chamber when roll was called: Councilman Binder, Mayor Butler

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOTS 15, 16, 17 AND 18, AND ONE-HALF OF THE VACATED ALLEY LOCATED AT THE REAR OF SAID LOTS 15, 16, 17 AND 18, BLOCK "J," RIDGETOP SUBDIVISION, LOCALLY KNOWN AS 936-942 EAST 51ST STREET, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Ernest W. Courtney, et ux, Corine Rieger, Robert Lindsey, Ebba Moore, Lola Mobley & Lillie Mae Hobbs, C14-74-050)

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox, Lebermann

Noes: None

Not in Council Chamber when roll was called: Councilman Binder, Mayor Butler

The Mayor announced that the ordinance had been finally passed.

#### ELECTRICAL ORDINANCE

Councilman Handcox moved that the Council postpone the amendment to the Electrical Ordinance deleting the appeal to the City Council from the decision of the Electrical Board. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor Pro Tem Love


Noes: None

Not in Council Chamber when roll was called: Councilman Binder, Mayor Butler

## ADJOURNMENT

The Council adjourned at 3:45 p.m.

APPROVED

  
Mayor

ATTEST:

  
City Clerk